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February 19, 2025

By ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Sue Mi Terry, 24 Cr. 427 (LGS)

Dear Judge Schofield:

We represent Dr. Sue Mi Terry in the above-captioned proceeding. We write to request an enlargement of Dr. Terry's omnibus pretrial motions memorandum of law from 30 pages to 50 pages. Dr. Terry's pretrial motions include: (1) a motion to dismiss the indictment; (2) a motion for a bill of particulars; (3) a motion to suppress Dr. Terry's statements obtained during an un-*Mirandized* custodial interrogation; and (4) a motion to suppress intercepts collected pursuant to Foreign Intelligence Surveillance Act authorities.

The government consents to Dr. Terry's request for enlargement and requests that its memorandum of law in opposition be expanded to up to 50 pages as well.

In particular, we anticipate that we will require significant space to set forth our motion to dismiss the 31-page Indictment. Our contemplated motion will challenge the Indictment for its numerous defects, including on the basis that it fails to state an offense. In connection with our argument that the Indictment fails to state an offense, we intend to raise a facial constitutional challenge to the criminal penalty provision of the Foreign Agents Registration Act ("FARA"), which forms the basis of the government's case against Dr. Terry. Because FARA was rarely criminally enforced before 2016, many of the legal issues we intend to raise with the Court are novel and have not been adjudicated by other federal courts. The government has also alleged conduct dating back to 2013. Additionally, Dr. Terry's two anticipated motions to suppress raise constitutional issues and require her to expound upon factual circumstances not alleged in the Indictment.

Thank you for Your Honor's consideration of this request. We are available should the Court require any additional information or have any further questions.

February 19, 2025

Page 2 of 2

Respectfully submitted,

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cc: All counsel of record (via ECF)